

EXHIBIT "D"

Regina Mongelli

From: BKECF_LiveDB@nyeb.uscourts.gov
Sent: Friday, May 14, 2010 9:26 AM
To: CourtMail@nyeb.uscourts.gov
Subject: Ch-13 8-10-73702 Voluntary Petition (Chapter 13) -Madjid Ebadi

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.**

U.S. Bankruptcy Court

Eastern District of New York

Notice of Bankruptcy Case Filing

The following transaction was received from Roy J Lester entered on 5/14/2010 at 9:25 AM EDT and filed on 5/14/2010

Case Name: Madjid Ebadi
Case Number: 8-10-73702
Document Number: 1

Docket Text:

Chapter 13 Voluntary Petition. Fee Amount \$274 Filed by Roy J Lester on behalf of Madjid Ebadi Government Proof of Claim due by 11/10/2010. (Lester, Roy)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:T:\ECF\Ebadi, Madj\Petition.PDF

Electronic document Stamp:

[STAMP bkecfStamp_ID=979333796 [Date=5/14/2010] [FileNumber=9685128-0]

[e21a99420e8bb1165a4657bc7aea072889fde0e82c392cea6ccf364263fd87664773
525261ec7e11f5a5f657d9a7b1a8455b599d0f737c732c8163e5ebc85324]]

8-10-73702 Notice will be electronically mailed to:

Diana G. Adams
USTPRegion02.LI.ECF@usdoj.gov

Roy J Lester on behalf of Debtor Madjid Ebadi
rlester@rlesterlaw.com

8-10-73702 Notice will not be electronically mailed to:

9/1/2010

EXHIBIT "E"

LESTER & ASSOCIATES, P.C.

Attorneys at Law
600 Old Country Road, Suite 229
Garden City, New York 11530
Telephone (516) 357-9191
Facsimile (516) 357-9281
rlester@rlesterlaw.com

ROY J. LESTER*

*ALSO ADMITTED IN CA

GABRIEL R. KORINMAN

TO: Foreclosure Department

FROM: Regina

FAX NO. 516-873-2010

DATE: May 14, 2010

SUBJECT: RE: EBADI MADJID
50 Florence Avenue, Massapequa, NY 11758

Attached please find the cover page and proof of filing of a Chapter 13. Please stop the foreclosure sale scheduled for TODAY at 11:00 a.m.

Thank you!

B1 (Official Form 1)(4/10)

United States Bankruptcy Court Eastern District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):
Ebadi, Madjid

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 8 years
(include married, maiden, and trade names):

All Other Names used by the Joint Debtor in the last 8 years
(include married, maiden, and trade names):

Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)
xxx-xx-9370

Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)

Street Address of Debtor (No. and Street, City, and State):
**50 Florence Ave.
Massapequa, NY**

Street Address of Joint Debtor (No. and Street, City, and State):

ZIP Code
11758

ZIP Code

County of Residence or of the Principal Place of Business:
Nassau

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

Mailing Address of Joint Debtor (if different from street address):

ZIP Code

ZIP Code

Location of Principal Assets of Business Debtor
(if different from street address above):

Type of Debtor (Form of Organization) (Check one box)

- ☒ Individual (includes Joint Debtors)
See Exhibit D on page 2 of this form.
- ☐ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (if debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business (Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101(51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other

Tax-Exempt Entity (Check box, if applicable)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☒ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts (Check one box)

- ☒ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ Debts are primarily business debts.

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Check one box:

- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter).

Check all applicable boxes:

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Chapter 11 Debtors

Statistical/Administrative Information

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

- ☒ 1-49
- ☐ 50-99
- ☐ 100-199
- ☐ 200-999
- ☐ 1,000-5,000
- ☐ 5,001-10,000
- ☐ 10,001-25,000
- ☐ 25,001-50,000
- ☐ 50,001-100,000
- ☐ OVER 100,000

Estimated Assets

- ☒ \$0 to \$50,000
- ☐ \$50,001 to \$100,000
- ☐ \$100,001 to \$500,000
- ☐ \$500,001 to \$1 million
- ☐ \$1,000,001 to \$10 million
- ☐ \$10,000,001 to \$50 million
- ☐ \$50,000,001 to \$100 million
- ☐ \$100,000,001 to \$500 million
- ☐ \$500,000,001 to \$1 billion
- ☐ More than \$1 billion

Estimated Liabilities

- ☒ \$0 to \$50,000
- ☐ \$50,001 to \$100,000
- ☐ \$100,001 to \$500,000
- ☐ \$500,001 to \$1 million
- ☐ \$1,000,001 to \$10 million
- ☐ \$10,000,001 to \$50 million
- ☐ \$50,000,001 to \$100 million
- ☐ \$100,000,001 to \$500 million
- ☐ \$500,000,001 to \$1 billion
- ☐ More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

Live Database: nyeb_live

Page 1 of 1

Open Voluntary Bankruptcy Case

U.S. Bankruptcy Court

Eastern District of New York

Notice of Bankruptcy Case Filing

The following transaction was received from Roy J Lester entered on 5/14/2010 at 9:25 AM EDT and filed on 5/14/2010

Case Name: Madjid Ebadi

Case Number: 8-10-73702

Document Number: 1

Docket Text:

Chapter 13 Voluntary Petition. Fee Amount \$274 Filed by Roy J Lester on behalf of Madjid Ebadi Government Proof of Claim due by 11/10/2010. (Lester, Roy)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:T:\ECF\Ebadi, Madj\Petition.PDF

Electronic document Stamp:

[STAMP bkecfStamp_ID=979333796 [Date=5/14/2010] [FileNumber=9685128-0]
[e21a99420e8bb1165a4657bc7aea072889fde0e82c392cea6ccf364263fd87664773
525261ec7e11f5a5f657d9a7b1a8455b599d0f737c732c8163e5ebc85324]]

8-10-73702 Notice will be electronically mailed to:

Diana G. Adams

USTPRegion02.LL.ECF@usdoj.gov

Roy J Lester on behalf of Debtor Madjid Ebadi

rl Lester@rlesterlaw.com

8-10-73702 Notice will not be electronically mailed to:

IP 3180 Fax

Fax Log for
Lester & Associates
3163579281
May 14 2010 8:45a

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 14	08:44a	Fax Sent	15168732010	0:52	3	OK

EXHIBIT "F"

B1 (Official Form 1)(4/10)

United States Bankruptcy Court Eastern District of New York				Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): Ebadi, Madjid			Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-9370			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)		
Street Address of Debtor (No. and Street, City, and State): 50 Florence Ave. Massapequa, NY			Street Address of Joint Debtor (No. and Street, City, and State):		
ZIP Code 11758			ZIP Code		
County of Residence or of the Principal Place of Business: Nassau			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):		
ZIP Code			ZIP Code		
Location of Principal Assets of Business Debtor (if different from street address above):					
Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input checked="" type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).			
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000 Estimated Assets <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion Estimated Liabilities <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					THIS SPACE IS FOR COURT USE ONLY

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U.S. Bankruptcy Court

Eastern District of New York

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[STAMP bkecfStamp_ID=979333796 [Date=5/14/2010] [FileNumber=9685128-0]
[e21a99420e8bb1165a4657bc7aea072889fde0e82c392cea6ccf364263fd87664773
525261ec7e11f5a5f657d9a7b1a8455b599d0f737c732c8163e5ebc85324]]

8-10-73702 Notice will be electronically mailed to:

Diana G. Adams
USTPRegion02.LI.ECF@usdoj.gov

Roy J Lester on behalf of Debtor Madjid Ebadi
rlester@rlesterlaw.com

8-10-73702 Notice will not be electronically mailed to:

HP 3180 Fax

Fax Log for
Lester & Associates
5163579281
May 14 2010 8:58a

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 14	08:55a	Fax Sent	16316698577	2:12	2	OK

EXHIBIT "G"

O/C

LESTER & ASSOCIATES, P.C.

Attorneys at Law
600 Old Country Road, Suite 229
Garden City, New York 11530
Telephone (516) 357-9191
Facsimile (516) 357-9281

ROY J. LESTER*

*ALSO ADMITTED IN CA

GABRIEL R. KORINMAN

May 25, 2010

David H Cohen, Esq.
Moritt Hock Hamroff & Horowitz, LLP
400 Garden City Plaza
Garden City, NY 11530
VIA REGULAR MAIL AND FACSIMILE (516) 873-2010

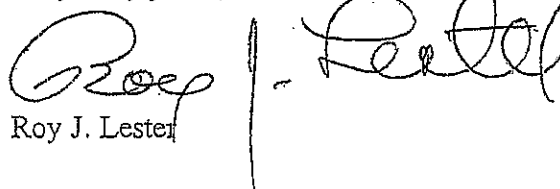
Re: Madjid Ebadi
Bankruptcy Case No.: 8-10-73702

Dear David:

On May 17, 2010 you advised us that you would be forwarding us some case law to buttress your position that no stay was in effect. As of today, I have received no case law from you and my research has clearly indicated that the stay was effective. See e.g. McCartney v. Integra National Bank North, 106 F.3d 506 (3rd Cir. 1997) and In re Burg, 295 B.R. 698 (Bankr. W.D.N.Y. 2003). There is no question that the debtor was a party to the action and the action was stayed by the bankruptcy filing. See 11 U.S.C. 362(a)(1).

Please return everything to the pre-filing status quo so as not to necessitate motion practice.

Very truly yours,


Roy J. Lester

RJL/grk
Enc.

HP 3180 Fax

Fax Log for
Lester & Associates
5163579281
May 25 2010 4:33p

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 25	04:33p	Fax Sent	15168732010	0:25	1	OK

EXHIBIT "H"

LESTER & ASSOCIATES, P.C.

Attorneys at Law
600 Old Country Road, Suite 229
Garden City, New York 11530
Telephone (516) 357-9191
Facsimile (516) 357-9281

ROY J. LESTER*

*ALSO ADMITTED IN CA

GABRIEL R. KORINMAN

August 24, 2010

James D. Murtha, Esq.
Murtha & Murtha, PLLC
26 Railroad Avenue #351
Babylon, NY 11702
VIA REGULAR MAIL AND FACSIMILE (631) 991-7168

Re: CBC Media Realty, LLC, Concepts by Clinton, Inc. D/B/A CBC
Property Address: 140 Hoffman Lane, Islandia, NY, Suffolk County
Madjid Ebadi - Bankruptcy Case No.: 8-10-73702

Dear Mr. Murtha:

I am in receipt of your Ten Day Notice to Quit, regarding the above referenced debtor.

Please be advised that this sale occurred after the bankruptcy filing for Madjid Ebadi, and therefore is null and void

Please contact me to discuss same.

Very truly yours,

Roy J. Lester/kc
Roy J. Lester

RJL/kc

cc: David H Cohen, Esq.
Moritt Hock Hamroff & Horowitz, LLP
400 Garden City Plaza
Garden City, NY 11530
VIA REGULAR MAIL AND FACSIMILE (516) 873-2010

Robert Cava, Esq., Referee
1038 Little East Neck Road
West Babylon, NY 11704
VIA REGULAR MAIL

Suffolk County Clerk, Judith A. Pascale
310 Centre Drive
Riverhead, New York 11901
VIA REGULAR MAIL

EXHIBIT "I"

MURTHA & MURTHA, PLLC

ATTORNEYS AND COUNSELORS AT LAW

26 RAILROAD AVENUE # 351
BABYLON, NEW YORK 11702-2204

WWW.MURTHALAWFIRM.COM

TELEPHONE: (631) 747-0356
FACSIMILE: (631) 991-7168
E-MAIL: INFO@MURTHALAWFIRM.COM**JAMES D. MURTHA**
MICHELLE MURTHA

August 24, 2010

Roy J. Lester, Esq.
Lester & Associates, P.C.
600 Old Country Road, Room 229
Garden City, New York 11530-2011
*Via First Class Mail and Fax to (516) 357-9281*Re: CBC Media Realty, LLC, Concepts by Clinton, Inc. D/B/A CBC...
Property Address: 140 Hoffman Lane, Islandia, NY, Suffolk County
Madjid Ebadi - Bankruptcy Case No.: 8-10-73702-AST

Dear Mr. Lester:

I am in receipt of your letter of today, sent via fax, in which you claim the sale of the property at issue is null and void as a result of the above-referenced bankruptcy. A review of the bankruptcy file on PACER, however, reveals that the case was dismissed by the Bankruptcy Court pursuant to 11 U.S.C. § 521 (i)(1), because you apparently failed to file all of the information required by law within 45 days after the date of the filing of the petition.

In short, there is no bankruptcy for Mr. Ebadi and, in any event, CBC Media Realty, LLC, Concepts by Clinton, Inc. D/B/A CBC Media and The Web Station, Inc., have not filed bankruptcy. Your assertions about the foreclosure sale being null and void, therefore, are without merit and are incorrect as a matter of law.

Please direct Mr. Ebadi and the other above-named entities to vacate and surrender the premises forthwith to my client, Ling's Properties LLC, the rightful owner of the property. Please also feel free to contact me to discuss the matter further. Thank you.

Very truly yours,

MURTHA & MURTHA, PLLC

By: 
James D. Murtha, Esq.

JDM/om

cc: David H. Cohen, Esq.
Moritt Hock Hamroff & Horowitz, LLP
400 Garden City Plaza
Garden City, New York 11530
Via First Class Mail and Fax to (516) 873-2010

Robert Cava, Esq., Referee
1038 Little East Neck Road
West Babylon, New York 11704
Via First Class Mail

Suffolk County Clerk, Judith A. Pascale
310 Centre Drive
Riverhead, New York 11901
Via First Class Mail

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Case No. 10-73702-AST
Chapter 13

In Re:

MADJID EBADI

Debtor.

NOTICE OF MOTION

LESTER & ASSOCIATES, P.C.
Attorney(s) for Debtor(s)
600 OLD COUNTRY ROAD
SUITE 229
GARDEN CITY, NY 11530
(516) 357-9191

To
Attorney(s) for

Service of a copy of the within
is hereby

admitted.

Dated,

Attorney(s) for

Sir: Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

20

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the HON.
one of the judges of the within named Court, at
at

on the
Dated,

day of

20